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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,603	01/24/2002	Hideki Ito	9333/284	2928

7590 06/13/2006

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EXAMINER

DINH, TAN X

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/057,603	Applicant(s) ITO, HIDEKI	
	Examiner TAN X. DINH	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,7-9,13 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1) The amendment filed 5/15/2006 is acknowledged.

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over KELLER et al (6,587,404).

KELLER et al discloses an audio device and method for managing track files as claimed in claim 11, comprising a display (Fig.4, display 46; Fig.7, display device 46 on front bezel 44), a read out unit for reading out track files recorded on a recordable medium (Fig.4, audio track files are read out from data storage structure 106), wherein the recordable medium contains at least one session and a session is automatically formed each time writing is performed and includes one or more track files (plurality of sessions are inherent in every recordable optical disk (CD-R, DVD-R, DVD-RW, etc.,) and a session is automatically formed each time the writing is performed (it is noted that, one session is formed at the time of writing, if the writing stop which indicated the last session is end and when the recording restart, a new session is formed, the

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session includes one or more track files. The sessions are well known in optical recordable disk, which is shown in ITO et al (US 6,243,340), figure 4; ITO et al (US 6,631,107), figure 2; MURATA et al, (US 6,621,783), figure 5; MISAIZU (US 6,594,214), figure 5; HASHIMOTO (US 6,370,096), figure 4 and MURATA (US 6,363,040), figure 4. If the recordable disk is not completely record, each time recording new track files which forms a new session, this process is continued until the recordable disk is completely recorded), a controller which manages the track files recorded on the recordable medium in each session and which displays the session containing the file of an arbitrary track on the display (Fig.4, CPU 94; Fig.7, display 46 displays session 200 containing the file of an arbitrary track. See also column 15, line 1 to column 16, line 59), wherein the controller regards each session as a virtual disk, allocates a track number for each of the track files in each session and display a name of the virtual disk corresponding to the session containing the file of the arbitrary track on the display, the track number and a name of the track (Fig.7, name of virtual disk is "METALLICA ", figure 8, the tracks number of the tracks are "1", "2", "3" and "4" and name of the tracks (songs) are " Fade To Black ", " King Nothing ", " Sad But True " and " Fuel ") and the sessions can be selected manually by a user by operating the next-disk key or previous-disk

key (Since the disk of KELLER et al is partitioned into a plurality of sessions (or virtual disk) as seen in figures 7-22, the keys for accessing to each sessions (or virtual disk) are inherent in KELLER et al's audio player), *except* to specifically show that (i) recordable medium is optical disk (CD-R), and (ii) to use next-disk key and previous-disk key for changing between sessions. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to substitute optical recordable disk in KELLER et al for the disclosed magnetic disk and using the next/previous-disk keys for changing between sessions as claimed. The rationale is as follows:

a) Optical recordable disk (CD-R) is known in the recording art to be equivalent to magnetic disk for storing information data (both of them capable of recording or storing information data) and,

b) KELLER et al in column 16, lines 3-21 teaches the feature of changing between sessions by using session key 61, therefore, to modify the teaching of KELLER et al by replacing the session key 61 with next/previous-disk keys as claimed is found to be within the level of skill in the art.

4) Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims.

5) Claims 1,3,4,7-9,13,15-20 are allowed.

6) Applicant's arguments filed 5/15/2006 have been fully considered but they are not persuasive.

KELLER et al teaches a next session key (Fig.2, Key 61) for changing between sessions, to replace the teaching of KELLER et al by next/previous-disk keys to perform the same functions are found to be within the level of skill in the art.

For that reason, claim 11 is still rejectable as shown above.

7) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply


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expire later than SIX MONTHS from the mailing date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN Xuan DINH whose telephone number is (571)-272-7586. The examiner can normally be reached on MONDAY-FRIDAY from 8:00AM to 5:30PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAN DINH
PRIMARY EXAMINER
June 9, 2006